



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 5, 1998

Captain Robert Taylor
Amarillo Police Department
City of Amarillo
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR98-1843

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117444.

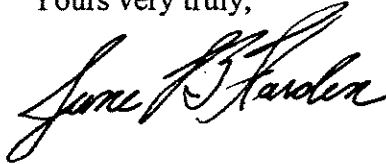
The Amarillo Police Department (the "department") received an open records request for a particular offense report. You contend that, except for the categories of information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the requested information is excepted from required public disclosure pursuant to section 552.108(a)(2) of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." The records at issue reveal that the complainants failed to press criminal charges in connection with the offense. Because the department's investigation did not result in a conviction or deferred adjudication, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) to the information at issue. The department therefore may withhold the requested records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/ch

Ref.: ID# 117444

Enclosures: Submitted records

cc: Ms. Dorothy Welch
1013 S. Lamar
Amarillo, Texas 79102
(w/o enclosures)